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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALONSO JEFFERSON,

Petitioner,

v.

UNITED STATES OF
AMERICA,

Respondent.

**Case Nos. EDCV 13-01432-VAP
EDCR 03-00084-VAP**

**ORDER SUMMARILY DISMISSING
PETITION TO VACATE, SET
ASIDE, OR CORRECT A
SENTENCE, FOR LACK OF
SUBJECT MATTER JURISDICTION**

On August 13, 2013, Alonso Jefferson ("Petitioner") filed a "Motion To Vacated [sic], Set Aside Or Correct Sentence For A Second or Successive Motion" ("Motion" or "Mot." (Doc. No. 1 [Civ.], 1787 [Crim.])).¹ On October 7, 2013, Respondent filed its Opposition to the Motion (Doc. No. 7 [Civ.]).

¹ Many of the documents filed in connection with this Motion appear on both the docket for the underlying criminal case, EDCR 03-00084 and the civil case, EDCV 13-1432. Citations to [Civ.] indicate documents on the docket for the Motion. Citations to [Crim.] indicate documents on the docket for the underlying criminal case.

1 The Petition is governed by the provisions of the
2 Antiterrorism and Effective Death Penalty Act of 1996
3 (Pub. L. 104-132, 110 Stat. 1214) ("the Act") which
4 became effective April 24, 1996. The Act amended 28
5 U.S.C. § 2255(h) to read as follows:

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7 A second or successive motion must be
8 certified as provided in section 2244²
9 by a panel of the appropriate court of
10 appeals to contain --

11 (1) newly discovered evidence that, if
12 proven and viewed in light of the
13 evidence as a whole, would be sufficient
14 to establish by clear and convincing
15 evidence that no reasonable factfinder
16 would have found the movant guilty of
17 the offense; or

18 (2) a new rule of constitutional law,
19 made retroactive to cases on collateral
20 review by the Supreme Court, that was
21 previously unavailable.

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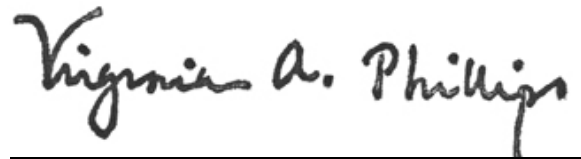
 ² As amended, 28 U.S.C. § 2244(b)(3)(A) provides
26 in pertinent part as follows: "Before a second or
27 successive application permitted by this section is filed
28 in the district court, the applicant shall move in the
appropriate court of appeals for an order authorizing the
district court to consider the application."

1 The Petition now pending constitutes a second and/or
2 successive petition challenging the same conviction as
3 Petitioner's prior habeas petition in Case No. EDCV 11-
4 00776-VAP, within the meaning of 28 U.S.C. § 2254(h).
5 Thus, it was incumbent on Petitioner under §2255(h) to
6 secure an order from the Ninth Circuit authorizing the
7 District Court to consider the Petition, prior to his
8 filing of it in this Court. Petitioner's failure to do
9 so deprives the Court of subject matter jurisdiction.
10 See Cooper v. Calderon, 274 F.3d 1270, 1274 (9th Cir.
11 2001), cert. denied, 538 U.S. 984 (2003).

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13 For the foregoing reasons, IT IS ORDERED that this
14 action is dismissed.

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16 LET JUDGMENT BE ENTERED ACCORDINGLY.

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19 Dated: November 7, 2013



VIRGINIA A. PHILLIPS
United States District Judge